

# **Exhibit 2**

**MITCHELL A. KARLAN**

---

Mitchell A. Karlan graduated from Columbia Law School in 1979. He was a Harlan Fiske Stone scholar.

Mr. Karlan is a partner and a member of Gibson, Dunn & Crutcher's litigation department. He has substantial experience in litigating cases under 42 U.S.C. 1983, the First, Eighth, and Fourteenth Amendments to the Constitution, and the Religious Freedom Restoration Act of 1993 ("RFRA").

In cases concerning freedom of speech or the press, Mr. Karlan has represented The New York Times, Newsday, The Wall Street Journal, Barrons, The New York Post, The Daily News, CBS, and NBC, among other media clients. See, e.g., In re New York Times Co., 878 F.2d 67 (2d Cir. 1989).

In five cases brought under RFRA in this Court, Muhammad v. Coughlin, 91 Civ. 6333 (LAP), Jolly v. Coughlin, 92 Civ. 9026 (JGK), Gilmore-Bey v. Coughlin, 93 Civ. 6592, Giles v. Coughlin, 95 Civ. 3033 (JFK), and Ardito v. Coombe, 95 Civ. 6945 (LLS), Mr. Karlan represented inmates who are challenging policies and practices of the New York State Department of Correctional Services ("DOCS") that impinge upon inmates' free exercise of their religion in facilities operated by DOCS. Mr. Karlan also represented proposed amici in a series of cases in the Southern District of New York, including Bass v. Grotoli, 94 Civ. 3220 (MGC), in support of the constitutionality of RFRA.

In the area of the Eighth Amendment, Mr. Karlan has worked on several cases challenging the death penalty: See Leduc v. State, No. 60531 (Fla. 1982); Prejean v. Smith, 889 F.2d 1391 (5th Cir. 1989) and 743 F.2d 1091 (5th Cir. 1984); and People v. Smith, 63 N.Y.2d 4 (1984). In Smith, Mr. Karlan filed an amicus brief on behalf of the NAACP Legal Defense and

Educational Fund, which successfully challenged the last remaining portion of New York's death penalty statute (before its reenactment).

In the area of the Fourteenth Amendment, Mr. Karlan is representing an incapacitated person, in Schaffer v. People, Suffolk County Court Case No. 868-92, on appeal to the New York Court of Appeals. Plaintiff is appealing the Appellate Division's reversal of the trial court's order that plaintiff, who has been indicted for a crime but found to be presently incompetent to stand trial, may not be confined indefinitely in a state hospital without being convicted. Mr. Karlan was also counsel to two Section 1983 plaintiffs in this Court raising Fourteenth Amendment claims. See Leone v. Ward, 78 Civ. 4279, and Moley v. Pikal, 79 Civ. 2836.

In addition, Mr. Karlan successfully represented an inmate in a federal habeas corpus petition, whose conviction and sentence were vacated. Perkins v. LeFevre, 691 F.2d 616 (2d Cir. 1982).

In the area of Voting Rights Act violations, Mr. Karlan represents the Arbor Hill Concerned Citizens Neighborhood Association in challenging Albany County's redistricting plan. See Arbor Hill Concerned Citizens Neighborhood Ass'n v. County of Albany, No. 03 Civ. 050, 281 F.Supp.2d 436 (2003) and 2003 WL 22139798 (N.D.N.Y. Sept. 17, 2003). Plaintiffs obtained a preliminary injunction in the District Court, enjoining the use of County's unconstitutional redistricting plan and preventing a scheduled election from occurring under that plan. Mr. Karlan also successfully represented plaintiffs in their Second Circuit appeal of the district court's refusal to order a special election for Albany County. The Second Circuit reversed the district court's decision and ordered a Special Primary Election to be held in March 2004.

Mr. Karlan filed an amicus brief on behalf of the National Alliance for the Mentally Ill, the Judge David L. Bazelon Center for Mental Health Law, and a number of other organizations in an appeal before the Appellate Division, First Department in Brad H., et al. v. The City of New York, et al., an action brought by a class of mentally ill inmates in New York City jails who were receiving treatment for their mental illness while incarcerated. Plaintiffs claimed that defendants' failure to provide them with discharge planning upon their release (which would include the provision of a supply of medication, follow up appointments for the continuation of their therapy, and assistance in obtaining housing or other necessary public assistance) violated New York State's Mental Hygiene Law, New York's Code of Rules and Regulations and the Constitution of the State of New York. The amicus brief was in support of plaintiffs' complaint and in opposition to defendants' appeal of an order enjoining defendants to provide discharge planning to plaintiffs.

Most recently, Mr. Karlan submitted an amici brief on behalf of the Anti-Defamation League, American Jewish Committee, American Jewish Congress, the Union of Orthodox Jewish Congregations of America, and the Jewish Council for Public Affairs in Westchester Day School v. Village of Mamaroneck, 03-9042. In the amici brief, Mr. Karlan argued that the Religious Land Use and Institutionalized Persons Act of 2000 was a valid exercise of Congress's remedial and preventive powers under Section 5 of the Fourteenth Amendment.

While at Columbia Law School, Mr. Karlan worked as a summer intern at the NAACP Legal Defense and Educational Fund on death penalty petitions for certiorari.

Mr. Karlan is a member of the bars of the United States Supreme Court and of the Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Ninth, Eleventh, and D.C. Circuits.